

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-185084

60251
DATE: November 28, 1975

MATTER OF: C.T. Bone, Inc.

DIGEST:

97646

GAO is precluded from rendering authoritative decision on protest filed against procurement conducted on behalf of nonappropriated fund activity and involving expenditure of nonappropriated funds, since bid protest jurisdiction is based on account settlement authority under 31 U.S.C. 71 and 74 and General Accounting Office Act of 1974 provides GAO with audit but not settlement authority over nonappropriated fund activities.

C.T. Bone, Inc. (Bone) has protested the proposed award of a contract to Advanced Builders under invitation for bids (IFB) No. F09650-76-B-0018, issued by the U.S. Air Force, Robins Air Force Base, Georgia.

We are informed that the procurement, calling for work to be performed on the Golf Club House at the Air Force Base, involves the use of nonappropriated funds for a nonappropriated fund activity. With respect to our consideration of protests involving such activities, we stated in ACS Construction Company, Inc., B-183034, April 18, 1975, as follows:

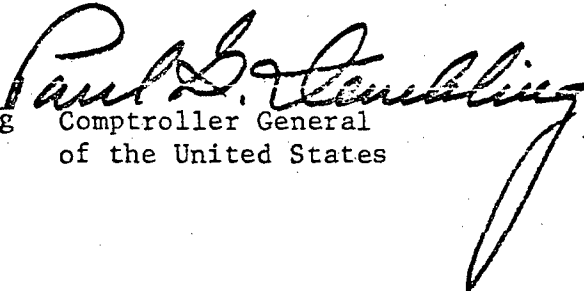
"* * * We have previously held that this Office is without authority to render authoritative decisions with respect to procurements conducted by or on behalf of nonappropriated fund activities. B-181469, July 9, 1974; B-179854, October 29, 1973; B-178786, July 16, 1973; B-171417, December 17, 1970. Although recently this Office was authorized to review and audit the operations and funds of certain nonappropriated fund activities, see section 301 of the General Accounting Office Act of 1974, Public Law 93-604, approved January 2, 1975, our bid protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers under 31 U.S.C. 71, 74 (1970). Wheelabrator Corp. v. Chafee,

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455 F. 2d 1306, 1313 (D.C. Cir. 1971); 46 Comp. Gen. 441 (1966); B-167782, January 21, 1970. Where we do not have such settlement authority, we have declined to consider protests on the grounds that we could not render an authoritative decision on the matter. See B-181469, supra (involving a DOD nonappropriated fund activity); B-180725, March 12, 1974 (involving the TVA); B-179310, October 10, 1973 (involving the Government of Puerto Rico); B-181961, B-182280, November 26, 1974 (involving a Government corporation); and B-172323 (various dates) (involving the Postal Service)." 75-1 CPD ¶ 238.

Since we do not have settlement authority over nonappropriated fund activities, this Office is unable to render an authoritative decision on the protest. Relco, Inc., B-183686, May 5, 1975, 75-1 CPD ¶ 276. However, the Air Force has advised us that it is considering the matter under Armed Services Procurement Regulation 2-407.8 (1975 ed.).

Accordingly, the matter is dismissed.


Acting Comptroller General
of the United States